United Nations A/C.3/67/L.7

General Assembly

Distr.: Limited
3 October 2012

Original: English

Sixty-seventh session
Third Committee
Agenda item 103
Crime prevention and criminal justice

Standard Minimum Rules for the Treatment of Prisoners

Note by the Secretariat

By its resolution 2012/13 of 26 July 2012, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

Standard Minimum Rules for the Treatment of Prisoners

The General Assembly,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

Reaffirming the importance of the United Nations standards and norms in crime prevention and criminal justice, and especially of promoting their implementation,

Emphasizing that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[1] Member States recognized that an effective, fair and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

Recalling its resolution 65/230 of 21 December 2010, entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice", in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing

[1] General Assembly resolution 65/230, annex.

international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflected recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the expert group to report to the Commission on progress in its work,

Aware that the penitentiary system is one of the key components of the criminal justice system and that the Standard Minimum Rules for the Treatment of Prisoners[2] have been of value and influence in the development of correctional laws, policies and practices,

Convinced that prisons should be used as a punishment only for individuals who have committed serious offences or when necessary to protect the public,

Convinced also that specific efforts should be made to use alternative measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[3]

Taking into account the progressive development of international instruments pertaining to the treatment of prisoners since 1955, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[4] and the Optional Protocol thereto,[5]

Taking into account also the relevance of the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolution 1984/47 of 25 May 1984, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[6] the Basic Principles for the Treatment of Prisoners,[7] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[8] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[9]

Taking into account further the work carried out by the Latin American Standing Committee of the International Penal and Penitentiary Foundation for the revision and updating of the Standard Minimum Rules for the Treatment of Prisoners, presented to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, as well as the 2011 study on the extent of implementation of the Standard Minimum Rules by African countries, conducted by the African Institute for the Prevention of Crime and the Treatment of Offenders,

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[2] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[3] General Assembly resolution 45/110, annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 2375, No. 24841.

[6] General Assembly resolution 43/173, annex.

[7] General Assembly resolution 45/111, annex.

[8] General Assembly resolution 45/113, annex.

[9] General Assembly resolution 65/229, annex.

Taking note with appreciation of the development by the United Nations Office on Drugs and Crime of the handbook for prison leaders,[10] the handbook on the international transfer of sentenced persons, the handbook on strategies to reduce prison overcrowding (in cooperation with the International Committee of the Red Cross) and the handbook on the prevention of recidivism and the social reintegration of offenders,

1. *Expresses appreciation* for the replies of Member States to the request to exchange information on best practices and on the revision of existing United Nations standard minimum rules for the treatment of prisoners;

2. *Takes note* of the work done by the high-level expert group meeting held in Santo Domingo from 3 to 5 August 2011 and the expert group meeting held in Vienna on 6 and 7 October 2011;

3. *Acknowledges* the work done by the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, which drew on the outcome of the two expert group meetings mentioned above;

4. *Recognizes* that the Standard Minimum Rules for the Treatment of Prisoners,[2] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and extended by the Council by its resolution 2076 (LXII) of 13 May 1977, have stood the test of time and that they remain the universally acknowledged minimum standards for the detention of prisoners;

5. *Also recognizes* that some areas of the Standard Minimum Rules could be reviewed so that the Rules reflect the latest advances in correctional science and good practices, provided that any changes to the Rules would not lower any existing standards;

6. *Takes cognizance* of the recommendations of the Expert Group,[11] and notes that the Expert Group identified the following preliminary areas for possible consideration:

(a) Respect for prisoners' inherent dignity and value as human beings;

(b) Medical and health services;

(c) Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet;

(d) Investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners;

(e) Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances;

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[10] *Handbook for Prison Leaders: A Basic Training Tool and Curriculum for Prison Managers Based on International Standards and Norms*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.10.IV.4).

[11] See E/CN.15/2012/18; the recommendations should be considered in the context of the deliberations of the meeting of the Expert Group.

(f) The right of access to legal representation;

(g) Complaints and independent inspection;

(h) The replacement of outdated terminology;

(i) Training of relevant staff to implement the Standard Minimum Rules;

7. *Underscores* that the requirements and needs of prisoners with disabilities should be duly considered, as applicable, in accordance with the Convention on the Rights of Persons with Disabilities;[12]

8. *Authorizes* the Expert Group to continue its work, within its mandate, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and requests the Secretary-General to ensure that the required services and support are provided;

9. *Invites* Member States to actively participate in the next meeting of the Expert Group and to have a report prepared summarizing discussions and recommendations, including comments and concerns expressed by Government experts and other participants;

10. *Expresses its gratitude* to the Government of Argentina for its readiness to host the next meeting of the Expert Group;

11. *Takes note* of the work accomplished for the preparation of the conference room paper containing notes and comments on the Standard Minimum Rules, and recommends its early translation into all other official languages of the United Nations, as well as its wide dissemination;

12. *Encourages* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);[9]

13. *Recommends* that Member States endeavour to reduce overcrowding and pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms, reinforcing alternatives to imprisonment, which may include, inter alia, fines, community service, restorative justice and electronic monitoring, as well as supporting rehabilitation and reintegration programmes;

14. *Encourages* Member States to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, as well as identifying challenges faced in implementing the Standard Minimum Rules and sharing their experiences in dealing with those challenges, and to provide the relevant information to their experts participating in the Expert Group;

15. *Reiterates its request* to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States on request, including

[12] United Nations, *Treaty Series*, vol. 2515, No. 44910.

assistance in criminal justice and law reform, and in the organization of training for law enforcement and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

16. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules, in accordance with the procedures for the effective implementation of the Rules;[13]

17. Invites Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.

[13] Economic and Social Council resolution 1984/47, annex.